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### By Hand and ECF

<sup>2</sup> The government has conferred with counsel for Felix Sater, who joins the government in the view that, under the circumstances of the prior proceedings in this case, Sater's identity and connection to the above-captioned docket are both matters of public record. Accordingly, the government refers to Sater by name, rather than John Doe, in this letter.

no position with respect to the majority of such documents. With respect to the balance, the government believes some should remain sealed and the rest should be unsealed in whole or in part.

#### A. Background

On March 12, 2013 and March 13, 2013, the Honorable I. Leo Glasser issued two orders—one sealed, one unsealed—detailing which documents in the underlying criminal case should remain sealed and which should be unsealed, in whole or in part. Judge Glasser’s sealed order sets forth the court’s reasoning for the ongoing sealing of certain documents—generally, safety of persons; integrity of law enforcement investigations; and the protection of a cooperator’s anonymity. See In re Applications to Unseal 98 CR 1101 (ILG), United States v. John Doe 98-cr-1101, No. 13-2373-cv, Dkt. 161-1 at 3 (2d Cir. June 5, 2014). In particular, Judge Glasser precluded disclosure of Sater’s Presentence Investigation Report (“PSR”) and its contents as well as the details of Sater’s cooperation with the government. Id.; see also March 3, 2016 Order at 3, In re Motion for Civil Contempt Proceedings by John Doe, 12-MC-557 (BMC) (E.D.N.Y.). That a document reflected the mere fact of Sater’s cooperation, Judge Glasser concluded, was not a basis for continued sealing. Id. The respondents in this case appealed Judge Glasser’s orders to the Second Circuit, which issued a summary affirmance. In re Applications to Unseal 98 CR 1101 (ILG), United States v. John Doe 98-cr-1101, No. 13-2373-cv, Dkt. 161-1 (2d Cir. June 5, 2014). As the Second Circuit noted, Judge Glasser gave detailed reasons for his document-specific rulings and “[g]iven the extent and gravity of Sater’s cooperation, . . . these findings [were] sufficient.” Id. at 3. As Your Honor has ruled, “Judge Glasser’s decision as to which filings should be unsealed in 98-cr-1101 shall determine which filings should be unsealed in 12-mc-557.” October 18, 2012 Order, In re Motion for Civil Contempt Proceedings By John Doe, 12-MC-557 (BMC) (E.D.N.Y.).

#### B. The Government’s Position Regarding Sealing

The government has attempted to hew closely to Judge Glasser’s reasoning in determining its position as to which documents in the above-referenced action should remain sealed. The attached chart lists the documents in the case to which the government has been granted access as a case participant and the government’s position with respect to sealing.<sup>3 4</sup>

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<sup>3</sup> Based on the government’s discussions with the Office of the Clerk of Court, it appears that certain documents have been filed ex parte, under seal or otherwise in a manner indicating the filing party’s intention that the documents not be available to all case participants, including the government. Thus, the government has been unable to review these documents. See Docket Nos. 55, 56, 57, 58, 59, 97, 98, 104, 109, 122-11, 142, 145, 148 and 149. The government stands ready to review these documents if doing so would assist the Court.

<sup>4</sup> As noted above, certain documents pertain to the Court’s criminal contempt referrals, in particular status updates provided to the Court by NDNY. See Docket Nos. 39,



### ATTACHMENT

The government has categorized the documents as follows:

- **Seal.** In conformity with Judge Glasser's sealing analysis, as affirmed by the Second Circuit, these document should be kept under seal. These documents include the PSR, documents discussing the contents of the PSR and documents discussing the details of Sater's cooperation with the government. These documents also include materials sealed by the Second Circuit or another court in related litigation.
- **Redact.** These documents should be unsealed, but with specific pages or exhibits redacted for the reasons set forth above.
- **Unseal.** In the government's view, these documents should be unsealed either because there is no compelling reason to keep them under seal or because they have been otherwise unsealed in another action or docket.
- **No Position.** The government takes no position as to whether these documents should be kept under seal because these documents do not implicate its significant, but specific, interests in this action.

Dkt. No.	Government's Position	Redact Pages	Reason for Sealing or Redaction
1	No Position		
1-1	No Position		
1-2	Seal		Sealed by Court of Appeals
1-3	Seal		Sealed by Court of Appeals
1-4	No Position		
2	No Position		
3	No Position		
4	No Position		
5	No Position		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
6	No Position		
7	Redact	2, 3, 4	Discusses Cooperation & Sealed Court of Appeals Proceedings
7-1	Unseal		
7-2	Seal		Sealed by Court of Appeals
8	No Position		
9	No Position		
10	No Position		
11	No Position		
12	Redact	27 (¶ 4)	Discusses Cooperation, PSR
13	No Position		
14	No Position		
15	No Position		
16	No Position		
17	No Position		
18	No Position		
19	No Position		
19-1	No Position		
20	No Position		
21	No Position		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
21-1	Unseal		
21-2	Seal		Sealed by Court of Appeals
22	No Position		
23	Seal		Discusses Cooperation
24	Seal		Discusses Cooperation
25	Seal		Discusses Cooperation
26	Seal		Discusses Cooperation
27	No Position		
28	No Position		
29	No Position		
30	Unseal		
31	Unseal		
32	No Position		
33	No Position		
34	No Position		
35	No Position		
36	No Position		
37	No Position		
38	No Position		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
40	No Position		
41	No Position		
42	Unseal		
43	Unseal		
44	No Position		
44-1	Unseal		
45	No Position		
46	No Position		
47	Redact	1-23	Discusses Cooperation & Sealed Court of Appeals Proceedings
48	No Position		
51	No Position		
52	No Position		
53	Unseal		
54	No Position		
60	No Position		
61	No Position		
62	No Position		
63	No Position		
64	No Position		
65	No Position		

Dkt. No.	Government's Position	Redact Pages	Reason for Sealing or Redaction
66	No Position		
67	No Position		
68	No Position		
69	Redact	20-21	Discusses Cooperation & Sealed Court of Appeals Proceedings
70	No Position		
71	No Position		
72	No Position		
73	No Position		
74	No Position		
75	No Position		
77	No Position		
79	No Position		
80	No Position		
81	No Position		
82	No Position		
83	No Position		
86	No Position		
88	No Position		
89	No Position		
90	No Position		

Dkt. No.	Government's Position	Redact Pages	Reason for Sealing or Redaction
91	No Position		
91-1	Seal		Sealed Judge Glasser Order
91-2	Unseal		
91-3	Unseal		
91-4	Unseal		
91-5	Seal		Discusses Cooperation, Sealed in Related Case
91-6	No Position		
92	Unseal		
93	No Position		
93-1	No Position		
93-2	No Position		
94	No Position		
95	No Position		
96	No Position		
99	No Position		
100	No Position		
101	No Position		
102	No Position		
103	No Position		
105	No Position		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
106	No Position		
107	No Position		
108	No Position		
110	No Position		
111	No Position		
112	No Position		
112-1	Redact <sup>5</sup>		PSR
112-2	Unseal		
112-3	Unseal		
112-4	No Position		
112-5	Unseal		
112-6	Unseal		
112-7	Unseal		
112-8	No Position		
112-9	No Position		
112-10	Seal		Sealed by Court of Appeals
112-11	Seal		Sealed by Court of Appeals
112-12	Seal		Sealed by Court of Appeals

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<sup>5</sup> Pursuant to the Court's February 2, 2016 order, Dkt. No. 112-1 has been redacted and already ordered to be refiled.

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
112-13	Unseal		
112-14	Unseal		
112-15	Unseal		
112-16	Unseal		
113	No Position		
114	No Position		
115	No Position		
116	No Position		
117	No Position		
118	No Position		
119	No Position		
120	No Position		
121	No Position		
121-1	No Position		
122	No Position		
122-1	Unseal		
122-2	Unseal		
122-3	No Position		
122-4	Unseal		
122-5	Unseal		
122-6	Unseal		
122-7	Unseal		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
122-8	Unseal		
122-9	Unseal		
122-10	No Position		
123	No Position		
124	No Position		
125	No Position		
126	No Position		
127	No Position		
128	No Position		
129	No Position		
130	No Position		
131	No Position		
132	No Position		
133	No Position		
134	No Position		
135	No Position		
136	No Position		
137	No Position		
138	No Position		
139	No Position		
140	No Position		
141	No Position		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
141-1	Unseal		
141-2	No Position		
141-3	Seal		Sealed by Court of Appeals
141-4	Unseal		
141-5	Unseal		
141-6	No Position		
141-7	Unseal		
141-8	No Position		
143	No Position		
144	No Position		
146	No Position		
146-1	Seal		Sealed by Court of Appeals
146-2	No Position		
146-3	No Position		
146-4	Unseal		
146-5	Seal		Discusses PSR
146-6	No Position		
146-7	No Position		
146-8	Seal		Sealed by Court of Appeals
146-9	Unseal		

<b>Dkt. No.</b>	<b>Government's Position</b>	<b>Redact Pages</b>	<b>Reason for Sealing or Redaction</b>
146-10	No Position		
146-11	Unseal		
147	No Position		
150	No Position		
151	No Position		
152	No Position		
153	Redact	6-16	Sealed Judge Glasser Order
154	No Position		
155	No Position		
156	No Position		
157	No Position		
158	No Position		
159	No Position		
160	No Position		
160-1	Seal		Sealed by Court of Appeals
160-2	No Position		
160-3	No Position		
160-4	Unseal		
160-5	Seal		Sealed by Court of Appeals
160-6	Unseal		

Dkt. No.	Government's Position	Redact Pages	Reason for Sealing or Redaction
161	No Position		
162	Unseal		
163	No Position		